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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,325	06/28/2004	Hiroshi Aruga	032404-079	8943

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EXAMINER

VAN ROY, TOD THOMAS

ART UNIT	PAPER NUMBER
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2828

NOTIFICATION DATE	DELIVERY MODE
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09/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/500,325	Applicant(s) ARUGA ET AL.	
	Examiner TOD T. VAN ROY	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

All information disclosure statements have been considered.

Specification

The amended specification is accepted.

Drawings

The currently amended drawings are accepted.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes the Applicant's use of the language "connected between". This language does not specify a direct connection between the elements, but only that the specified element is located somewhere on a path connecting the two end points. The Examiner suggests use of more definite claim language such as "directly connecting" or the like.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5, 12-18, and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by NAGAHORI, Takeshi et al. (applicant submitted prior art, "An Analog

Front-End Chip Set Employing an Electro-Optical Mixed Design on SPICE for 5-Gb/s/ch Parallel Optical Interconnection." IEEE Journal of Solid-State Circuits. Volume 36, No. 12. pp 1984-1991. December 2001).

With respect to claims 1, and 12, Takeshi discloses an optical semiconductor device comprising: an optical semiconductor element (fig.4 LD, laser diode) having first and second electrodes (inherent); a first conductor line connected to the first electrode of the optical semiconductor element and supplying a first electric signal to the optical semiconductor element (fig.4 top connection to anode); a second conductor line connected to the second electrode of the optical semiconductor element and supplying a second electric signal to the optical semiconductor element (fig.4 bottom connection to cathode); a first inductance element connected between the first electrode of the optical semiconductor element and the first conductor line (fig.4); and a second inductance element connected between the second electrode of the optical semiconductor element and a ground potential (each inductance element can be considered to be connected between the respective electrodes and the case ground), and connected to the second conductor line (fig.4), wherein the first and the second conductor lines constitute a pair of differential lines (as they come from differential driving amp formed via Q1/Q2).

With respect to claim 2, Takeshi discloses a pair of matching resistors connected to one electrode and the other electrode of the optical semiconductor element (fig.4 R1/R2), and an electrical signal generating unit (fig.4 current sources).

With respect to claim 5, Takeshi discloses a filter that cuts off frequencies higher than at least a maximum repetition frequency of a digital signal (no value defined), the filter provided between the first and second conductor lines and the pair of matching resistors (fig.4 low pass filters provided via the inductors).

With respect to claim 13, Takeshi discloses impedances of at least two bias circuits are set asymmetric (as the bias circuits have not been defined any combination of components in fig.4 can be combined into two separate bias circuits having differing impedance values).

With respect to claims 14-17, Takeshi discloses the device of claim 1, and additionally the differential driving circuit would provide inputs opposite in phase (constituting a push-pull operation), and the inductive elements would act as high frequency filters (can be called a bias circuit).

Claim 18 is rejected for the same reasons outlined above for the rejection of claim 13.

With respect to claim 22, Takeshi discloses the first inductance element is connected between the first electrode of the optical semiconductor element and a current source (fig.4, top inductor between the first electrode and current source of the driver).

Claim 23 is rejected for the same reasons outlined in the rejection of claim 12 above, noting that the first/second electrode labeling of the respective anode and cathode does not affect the connections limited by the claim language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-4, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciubotaru et al. (US 2003/0086455).

With respect to claims 3-4 and 19-21, Takeshi teaches the device outlined in the rejection to claim 1, but does not teach a resistor in parallel with the inductor. Ciubotaru teaches a differential driving circuit utilizing a resistor in parallel with an inductor (fig.3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the device of Takeshi with the parallel resistor/inductor combination of Ciubotaru in order to reduce resonance effects in the circuit ([0016]). (*This connection would define the parallel circuit connections outlined in claims 19-21*)

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi in view of Ito et al. (US 4975664).

With respect to claim 6, Takeshi teaches the device outlined in the rejection to claim 5, but does not teach the filter type to be of the comb-like variety. Ito teaches the use of a comb-type filter. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the additional comb-type filter of Ito to the circuit of Takeshi in order to add the ability to tune the amount of filtering done via the circuit (Ito abs.).

Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeshi and Ito in view of Kobayashi et al. (US 5982793).

With respect to claims 7 and 9-10, Takeshi and Ito teach the laser diode driving device outlined in the rejection to claim 6, but do not teach the use of a packaging structure. Kobayashi teaches the use of a packaging structure having a lens and an optical fiber holding means (fig.2). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the device of Takeshi and Ito with the package of Kobayashi in order to protect the device and provide a method to allow for information transmission.

With respect to claims 8 and 11, Takeshi and Ito do not disclose the particular inductors claimed. However these inductor types are well known in the circuit arts. The particular inductor used in Takeshi does not appear critical to the operation of the device, therefore it would have been obvious to one skilled in the art to substitute the

known air coil inductor into the system of Takeshi by an obvious engineering design choice.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOD T. VAN ROY whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2828

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TVR/

/Minsun Harvey/
Supervisory Patent Examiner, Art Unit 2828